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7
8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10
11 SONDRA SMITH,

12 Plaintiff,

13 v.

14 COSTCO WHOLESALE
15 CORPORATION and DOES 1 to 25,
inclusive,

16 Defendant.

17 Case No. 2:20-cv-01861-JAM-AC

18
19 **JOINT STIPULATION AND ORDER TO
MODIFY INITIAL PRETRIAL
SCHEDULING ORDER**

20 Removed: September 9, 2020

21 State Complaint filed: May 6, 2020

22 The Honorable Judge John A. Mendez

23
24 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

25 Pursuant to Federal Rule of Civil Procedure 16(b), Plaintiff SONDRA SMITH (hereinafter
26 “Plaintiff”) and Defendant COSTCO WHOLESALE CORPORATION (hereinafter “Defendant”)
jointly request that this court modify the Initial Pretrial Scheduling Order to extend deadlines in
27 order to continue the exchange of expert discovery.

28 Plaintiff and Defendant stipulate as follows:

29 **I. RECITALS**

30 1. Whereas Plaintiff filed a Complaint on May 6, 2020, in state court, Sacramento
31 County Superior Court.

32 2. Whereas Defendant filed an Answer on July 1, 2020, in state court, Sacramento

County Superior Court.

3. Whereas Defendant removed Plaintiff's state court action to the United States District Court, Eastern District on or about September 15, 2020, pursuant to 28 U.S.C. sections 1332(a), 1441(b) and 1446(b)(3).

4. Whereas the Honorable John A. Mendez issued an Initial Pretrial Scheduling Order with deadlines for this matter on or about November 16, 2020 setting the following deadlines for experts:

- a) Experts must be disclosed not later than **May 14, 2021**.
- b) A supplemental list of expert witnesses must be disclosed not later than **May 28, 2021**.

5. Whereas trial was set for January 31, 2022.

6. Whereas Parties submitted a Stipulation to Modify the Pretrial Scheduling Order on April 28, 2021.

II. STIPULATIONS

1. The Parties continue to meet and confer regarding the deadlines originally provided in the Initial Pretrial Scheduling Order.

2. Good cause exists to modify the Initial Pretrial Scheduling Order because discovery is ongoing and not yet completed.

3. The Parties seek a continuance regarding the deadline for expert disclosures and supplemental expert disclosures.

4. The Parties would both benefit from the given deadlines, and no party is prejudiced since the trial date is not until next year.

5. The purpose of this Stipulation is to benefit both parties in the continued exchange of documents and information for a fair resolution of the lawsuit.

6. Pursuant to Federal Rule of Civil Procedure 29, the parties stipulate to modify these dates, with the Court's permission.

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7. Whereas the defense requested Independent Medical Examination of Plaintiff was originally scheduled for **April 21, 2021**, so that Defendant's expert would have time to prepare a report for expert disclosures.

8. Whereas Plaintiff had a conflict making her unable to appear for the Independent Medical Examination on April 21, 2021.

9. Whereas both Parties would benefit from having more time to complete this Independent Medical Examination and expert discovery so that the Parties' disclosures are sufficient.

10. The Parties stipulate to the following new deadlines, per the schedule sent by Courtroom Deputy Gabriel Michel on April 28, 2021:

Discovery Cutoff Date:	11/12/2021;
Disclosure of Expert(s) Deadline:	8/12/2021;
Supplemental Disclosure Deadline:	9/21/2021;
Dispositive Motion Filing Deadline:	12/24/2021;
Dispositive Motion Hearing:	2/15/2022 at 1:30 PM;
Joint Mid-Litigation Statement Filing Deadline:	Fourteen (14) days prior to the close of discovery;
Final Pretrial Conference:	3/25/2022 at 10:00 AM; and
Jury/Bench Trial	5/9/2022 at 9:00 AM.

12. The Parties stipulate to these modified deadlines as the new guiding dates.
Dated: May 5, 2021

ARNOLD LAW FIRM

By: /s/ Andrew Minney
ANDREW MINNEY, ESQ.
Attorney for Plaintiff, SONDRa MITH

Dated: May 5, 2021

MATHENY SEARS LINKERT & JAIME LLP

By: /s/ Matthew C. Jaime
MATTHEW C. JAIME, ESQ.
Attorney for Defendant, COSTCO
WHOLESALE CORPORATION

ORDER

GOOD CAUSE APPEARING, the Court hereby approves this Stipulation and orders as follows:

The Parties stipulate to the following new deadlines, per the schedule sent by Courtroom Deputy Gabriel Michel on April 28, 2021:

Discovery Cutoff Date:	11/12/2021;
Disclosure of Expert(s) Deadline:	8/12/2021;
Supplemental Disclosure Deadline:	9/21/2021;
Dispositive Motion Filing Deadline:	12/24/2021;
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Joint Mid-Litigation Statement Filing Deadline:	Fourteen (14) days prior to the close of discovery;
Final Pretrial Conference:	3/25/2022 at 10:00 AM; and
Jury/Bench Trial	5/9/2022 at 9:00 AM.

IT IS SO ORDERED.

DATED: May 5, 2021

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ
UNITED STATES DISTRICT COURT JUDGE